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HOUSE BILL 2579

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State of Washington

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By Representatives Hurst and Barlow

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1 AN ACT Relating to removing the reference to theft of a motor  
2 vehicle in the first degree from RCW 13.40.210; and reenacting and  
3 amending RCW 13.40.210.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 13.40.210 and 2007 c 203 s 1 and 2007 c 199 s 13 are  
6 each reenacted and amended to read as follows:

7 (1) The secretary shall set a release date for each juvenile  
8 committed to its custody. The release date shall be within the  
9 prescribed range to which a juvenile has been committed under RCW  
10 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning  
11 offenders the department determines are eligible for the juvenile  
12 offender basic training camp program. Such dates shall be determined  
13 prior to the expiration of sixty percent of a juvenile's minimum term  
14 of confinement included within the prescribed range to which the  
15 juvenile has been committed. The secretary shall release any juvenile  
16 committed to the custody of the department within four calendar days  
17 prior to the juvenile's release date or on the release date set under  
18 this chapter. Days spent in the custody of the department shall be

1 tolled by any period of time during which a juvenile has absented  
2 himself or herself from the department's supervision without the prior  
3 approval of the secretary or the secretary's designee.

4 (2) The secretary shall monitor the average daily population of the  
5 state's juvenile residential facilities. When the secretary concludes  
6 that in-residence population of residential facilities exceeds one  
7 hundred five percent of the rated bed capacity specified in statute, or  
8 in absence of such specification, as specified by the department in  
9 rule, the secretary may recommend reductions to the governor. On  
10 certification by the governor that the recommended reductions are  
11 necessary, the secretary has authority to administratively release a  
12 sufficient number of offenders to reduce in-residence population to one  
13 hundred percent of rated bed capacity. The secretary shall release  
14 those offenders who have served the greatest proportion of their  
15 sentence. However, the secretary may deny release in a particular case  
16 at the request of an offender, or if the secretary finds that there is  
17 no responsible custodian, as determined by the department, to whom to  
18 release the offender, or if the release of the offender would pose a  
19 clear danger to society. The department shall notify the committing  
20 court of the release at the time of release if any such early releases  
21 have occurred as a result of excessive in-residence population. In no  
22 event shall an offender adjudicated of a violent offense be granted  
23 release under the provisions of this subsection.

24 (3)(a) Following the release of any juvenile under subsection (1)  
25 of this section, the secretary may require the juvenile to comply with  
26 a program of parole to be administered by the department in his or her  
27 community which shall last no longer than eighteen months, except that  
28 in the case of a juvenile sentenced for rape in the first or second  
29 degree, rape of a child in the first or second degree, child  
30 molestation in the first degree, or indecent liberties with forcible  
31 compulsion, the period of parole shall be twenty-four months and, in  
32 the discretion of the secretary, may be up to thirty-six months when  
33 the secretary finds that an additional period of parole is necessary  
34 and appropriate in the interests of public safety or to meet the  
35 ongoing needs of the juvenile. A parole program is mandatory for  
36 offenders released under subsection (2) of this section and for  
37 offenders who receive a juvenile residential commitment sentence of  
38 theft of a motor vehicle ((±)), possession of a stolen motor vehicle,

1 or taking a motor vehicle without permission 1. The decision to place  
2 an offender on parole shall be based on an assessment by the department  
3 of the offender's risk for reoffending upon release. The department  
4 shall prioritize available parole resources to provide supervision and  
5 services to offenders at moderate to high risk for reoffending.

6 (b) The secretary shall, for the period of parole, facilitate the  
7 juvenile's reintegration into his or her community and to further this  
8 goal shall require the juvenile to refrain from possessing a firearm or  
9 using a deadly weapon and refrain from committing new offenses and may  
10 require the juvenile to: (i) Undergo available medical, psychiatric,  
11 drug and alcohol, sex offender, mental health, and other offense-  
12 related treatment services; (ii) report as directed to a parole officer  
13 and/or designee; (iii) pursue a course of study, vocational training,  
14 or employment; (iv) notify the parole officer of the current address  
15 where he or she resides; (v) be present at a particular address during  
16 specified hours; (vi) remain within prescribed geographical boundaries;  
17 (vii) submit to electronic monitoring; (viii) refrain from using  
18 illegal drugs and alcohol, and submit to random urinalysis when  
19 requested by the assigned parole officer; (ix) refrain from contact  
20 with specific individuals or a specified class of individuals; (x) meet  
21 other conditions determined by the parole officer to further enhance  
22 the juvenile's reintegration into the community; (xi) pay any court-  
23 ordered fines or restitution; and (xii) perform community restitution.  
24 Community restitution for the purpose of this section means compulsory  
25 service, without compensation, performed for the benefit of the  
26 community by the offender. Community restitution may be performed  
27 through public or private organizations or through work crews.

28 (c) The secretary may further require up to twenty-five percent of  
29 the highest risk juvenile offenders who are placed on parole to  
30 participate in an intensive supervision program. Offenders  
31 participating in an intensive supervision program shall be required to  
32 comply with all terms and conditions listed in (b) of this subsection  
33 and shall also be required to comply with the following additional  
34 terms and conditions: (i) Obey all laws and refrain from any conduct  
35 that threatens public safety; (ii) report at least once a week to an  
36 assigned community case manager; and (iii) meet all other requirements  
37 imposed by the community case manager related to participating in the

1 intensive supervision program. As a part of the intensive supervision  
2 program, the secretary may require day reporting.

3 (d) After termination of the parole period, the juvenile shall be  
4 discharged from the department's supervision.

5 (4)(a) The department may also modify parole for violation thereof.  
6 If, after affording a juvenile all of the due process rights to which  
7 he or she would be entitled if the juvenile were an adult, the  
8 secretary finds that a juvenile has violated a condition of his or her  
9 parole, the secretary shall order one of the following which is  
10 reasonably likely to effectuate the purpose of the parole and to  
11 protect the public: (i) Continued supervision under the same  
12 conditions previously imposed; (ii) intensified supervision with  
13 increased reporting requirements; (iii) additional conditions of  
14 supervision authorized by this chapter; (iv) except as provided in  
15 (a)(v) and (vi) of this subsection, imposition of a period of  
16 confinement not to exceed thirty days in a facility operated by or  
17 pursuant to a contract with the state of Washington or any city or  
18 county for a portion of each day or for a certain number of days each  
19 week with the balance of the days or weeks spent under supervision; (v)  
20 the secretary may order any of the conditions or may return the  
21 offender to confinement for the remainder of the sentence range if the  
22 offense for which the offender was sentenced is rape in the first or  
23 second degree, rape of a child in the first or second degree, child  
24 molestation in the first degree, indecent liberties with forcible  
25 compulsion, or a sex offense that is also a serious violent offense as  
26 defined by RCW 9.94A.030; and (vi) the secretary may order any of the  
27 conditions or may return the offender to confinement for the remainder  
28 of the sentence range if the youth has completed the basic training  
29 camp program as described in RCW 13.40.320.

30 (b) The secretary may modify parole and order any of the conditions  
31 or may return the offender to confinement for up to twenty-four weeks  
32 if the offender was sentenced for a sex offense as defined under RCW  
33 9A.44.130 and is known to have violated the terms of parole.  
34 Confinement beyond thirty days is intended to only be used for a small  
35 and limited number of sex offenders. It shall only be used when other  
36 graduated sanctions or interventions have not been effective or the  
37 behavior is so egregious it warrants the use of the higher level  
38 intervention and the violation: (i) Is a known pattern of behavior

1 consistent with a previous sex offense that puts the youth at high risk  
2 for reoffending sexually; (ii) consists of sexual behavior that is  
3 determined to be predatory as defined in RCW 71.09.020; or (iii)  
4 requires a review under chapter 71.09 RCW, due to a recent overt act.  
5 The total number of days of confinement for violations of parole  
6 conditions during the parole period shall not exceed the number of days  
7 provided by the maximum sentence imposed by the disposition for the  
8 underlying offense pursuant to RCW 13.40.0357. The department shall  
9 not aggregate multiple parole violations that occur prior to the parole  
10 revocation hearing and impose consecutive twenty-four week periods of  
11 confinement for each parole violation. The department is authorized to  
12 engage in rule making pursuant to chapter 34.05 RCW, to implement this  
13 subsection, including narrowly defining the behaviors that could lead  
14 to this higher level intervention.

15 (c) If the department finds that any juvenile in a program of  
16 parole has possessed a firearm or used a deadly weapon during the  
17 program of parole, the department shall modify the parole under (a) of  
18 this subsection and confine the juvenile for at least thirty days.  
19 Confinement shall be in a facility operated by or pursuant to a  
20 contract with the state or any county.

21 (5) A parole officer of the department of social and health  
22 services shall have the power to arrest a juvenile under his or her  
23 supervision on the same grounds as a law enforcement officer would be  
24 authorized to arrest the person.

25 (6) If so requested and approved under chapter 13.06 RCW, the  
26 secretary shall permit a county or group of counties to perform  
27 functions under subsections (3) through (5) of this section.

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